

**ASSEMBLY BILL**

**No. 269**

---

**Introduced by Assembly Member Silva**

February 12, 2009

---

An act to amend Section 18562 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 269, as introduced, Silva. Elections: ballots.

Existing law makes it a misdemeanor for a precinct board member, before placing a ballot into the ballot box, to attempt to learn the name on a ballot or to take other specified actions to obtain information from the ballot.

This bill would also apply this prohibition to a poll worker, poll observer, post-election poll monitor, and canvass observer, and extend the prohibition until the final certification of the statement of votes.

Because the bill creates new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 18562 of the Elections Code is amended to read:

18562. ~~Every~~A member of a precinct board, *a poll worker, a poll observer, a post-election poll monitor, or a canvass observer* is guilty of a misdemeanor ~~who if, prior to putting the ballot of a voter in the ballot box the final certification of the statement of votes, he or she commits any of the following acts:~~

(a) Attempts to find out ~~any~~ the name of a voter ~~on the~~ a ballot that has been handed in by the voter.

(b) Opens or suffers to be opened or examined the folded ballot of any voter ~~which~~ that has been handed in.

(c) Makes or places ~~any~~ a mark or device on any folded ballot with a view to ascertaining the name of any person for whom the voter has voted.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.